

REMARKS

STATUS OF CLAIMS:

Claims 8, 27, 30, 33 and 35-40 are pending in the application.

ELECTION/RESTRICTIONS:

Applicants thank the Examiner for rejoining claims 35-37.

35 U.S.C. § 102:

Claims 8, 27, 30, 33 and 35-37

Claims 8, 27, 30, 33 and 35-37 are rejected under 35 U.S.C. § 102(b) as being anticipated by the newly applied Nowak et al. (U.S. Patent 5,270,901 [hereinafter "Nowak"]).

Claims 8 and 33 are respectively amended to include the features of claims 11 and 34. Claims 11 and 34 are not rejected in view of Nowak. Thus, the rejection of claims 8 and 33 is deemed overcome. The rejection of dependent claims 27, 35 and 36 is likewise overcome at least due to the respective dependencies on claims 11 and 34.

Claim 30 is amended to include a feature similar to that found in amended claims 8 and 33. In particular, amended claim 30 recites, *inter alia*, “a sheet-type material of which surface is smooth and air tight is adhered onto an outer surface of said opening/closing lid.” Nowak does not disclose this feature, such that the rejection of claim 30 should be withdrawn. The rejection of dependent claim 37 should likewise be withdrawn, at least due to its dependency on claim 30.

Claims 11 and 34

Claims 11 and 34 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Nowak and Lermer (U.S. Patent 5,495,944).

This rejection will be addressed in regard to amended claims 8 and 33 due to these claims incorporating the features of claims 11 and 34. There is no motivation to combine the teachings of Lermer with Nowak to obtain the features of the earlier presented claims 11 and 34. Nevertheless, Applicants have amended claims 8 and 33 to include the features of claims 11 and 34 to advance this application, which has been through extensive prosecution. Applicants request the Examiner to carefully analyze the respective teachings of Nowak and Lermer to more fully appreciate the lack of motivation to combine the references. If a skilled artisan possessed the teachings of Nowak and Lermer, they would **not** have gratuitously applied a sheet-type material to Nowak to obtain the claimed features.

Lermer discloses a medicine-type bottle, which the Examiner points out includes a shrink wrap. However, the shrink wrapping of an entire bottle of medicine with a thin polymeric film would not have taught or suggested the features of claims 8, and 34, which include a sheet-type material having a smooth and airtight surface that is adhered to an outer surface of an opening and closing lid of a printing plate packaging box.

First, Lermer is drawn from non-analogous art. More specifically, the combination lacks the proper motivation because Lermer is non-analogous art, and thus, the combination applied by the Examiner is invalid. In order to rely on a reference as a basis for a rejection, the reference must either: (1) be in the field of applicant's endeavor; or (2) be reasonably pertinent to the particular problem with which the inventor was concerned. *In re Oetike*, 977 F.2d 1443, 1446

(Fed. Cir. 1992). Neither of these two factors are satisfied in the present case. Lerner relates to medicine bottles, which have nothing to do with the printing plate packaging box as claimed, and none of the problems disclosed in Lerner is applicable to a printing plate packaging box.

Second, when relying on multiple references, it is incumbent upon the Examiner to identify some suggestion to combine the references. *In re Mayne*, 104 F.3d 1339, 41 USPQ2d 1451 (Fed. Cir. 1997). Obviousness cannot be established by simply combining the references, absent some suggestion or teaching within the references supporting the combination. *Carella v. Starlight Archery*, 804 F.2d 135, 231 USPQ 644 (Fed. Cir. 1986).

The asserted motivation is to make the packaging device of Nowak “air tight” and “prevent the contents from damage.” However, Nowak does not even suggest that it has such problems, nor that such problems would be remedied by shrink wrapping the case of Nowak. For example, how much protection would shrink wrapping provide to a rigid case, as in Nowak? One clearly would not be motivated to wrap the case of Nowak with a shrink wrap to make it airtight. Why would one do so? Nowak does not disclose that air is a problem. Such a wrapping would clearly hinder access to connects of the case in Nowak. Accordingly, the shrink wrapping of an entire bottle with a polymeric film would not have taught or suggested to apply a sheet-type material to Nowak to obtain the claimed features. There is no motivation to make this combination, nor do either of the references teach or suggest any desirability in making such a combination.

Therefore, Applicants submit that amended claims 8, 30 and 33 are patentable over Nowak and Lerner, such that the present case should be placed in condition for allowance.

NEW CLAIMS:

Applicants add new claims 38-40 to obtain more varied protection for the invention. These claims respectively depend from independent claims 8, 30 and 33, and define the sheet-type material as being positioned parallel with the bundle of photosensitive printing plates. The prior art does not disclose the combination of features found in claims 38-40, at least due to their respective dependencies on claims 8, 30 and 33.

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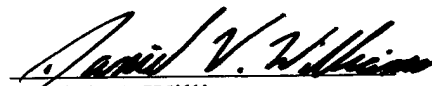
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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CUSTOMER NUMBER


Daniel V. Williams
Registration No. 45,221

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